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APPROVED: January 17, 1989

ATTEST:

Margaret R. Gearin

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting 40-88

October 24, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, October 24, 1988 at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams

Councilmember Viola Hovsepian

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle (travel leave)

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Attorney Paul T. Glasgow, and City Clerk Margaret R. Gearin.

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. Mothers Against Drunk Driving (MADD) are sponsoring a nationwide drug free and alcohol free awareness program. Everyone is encouraged to demonstrate their support by displaying a red ribbon tied to garments or vehicles. Rockville will be active in its support of this program and all City vehicles will display a red ribbon.
2. Upcoming events include:
 - A. City vehicle auction to be held 10/29/88 to sell surplus vehicles.
 - B. Mayor and Council Work Session concerning the use of the Civic Center Mansion. All interested parties are invited to attend the session on 11/7/88 to contribute their input.

C. A Public Hearing regarding the Rockville Pike Plan is scheduled for 12/12/88. Materials will be distributed prior to the meeting and announcements will appear in Rockville Reports.

D. The City's annual leaf collection program began 10/10/88. Anyone with questions regarding the program is urged to check the newsletter or call City Hall.

E. Fred Klaus, Area Real Estate Manager for Safeway, has confirmed that Safeway Stores, Inc. has entered into a fully executed 30-year lease for the property on Veirs Mill Road.

F. The new smoking policy for employees of City Hall would go into effect on 12/1/88.

G. Various types of work for which permits are required were outlined. Councilmember Hovsepien thanked the staff for supplying information on various types of work for which permits are required.

H. A complete listing of the fees which Rockville currently charges, with additional information as to how the fees are established and when they were last reviewed, was distributed.

Re: Proclamation--Rockville Veterans
Day, November 11, 1988.

Proclamation No. 18-88

At the request of Mayor Duncan, Councilmember Dave Robbins read Proclamation No. 18-88, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council. The proclamation will be presented during the dedication ceremonies for Veterans Park (formerly known as the F. Scott Fitzgerald Triangle) on November 11, 1988.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Proclamation No. 18-88 was issued.

Re: Proclamation--Drug Free American
Week in Rockville, October 24-30,
1988.

Proclamation No. 19-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 19-88, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council. The proclamation was read by Councilmember Steve Abrams at the mayor's request and urges all citizens to support Drug Free America Week Rockville, October 24-30, 1988. Ms. Anne Hedian accepted the proclamation from the mayor on behalf of Community Organizations Resources Exchange (C.O.R.E).

Re: Welcome students from Pinneburg,
West Germany.

On behalf of the Council and citizens of Rockville, Mayor Duncan welcomed a group of students from the Johann Brahmes School in Pinneburg, West Germany who are participating in the annual Sister City Student Exchange Program. Families from Wooton High School are serving as hosts to the fifteen students and their teacher during their visit from October 16 through November 2, 1988. The welcome included a presentation of Rockville momentos to include key rings and bumper stickers.

Re: Welcome two delegates of "Bridges
for Peace" from the Soviet Union.

Mayor Duncan welcomed to Rockville two Soviet Union delegates of the "Bridges for Peace" program under sponsorship of Rockville United Church. The Soviet visitors are German Vetrov, a professor in the Russian Orthodox Seminary in Leningrad, and Marite Rukmane, Deputy to the Supreme Soviet from Latvia. They are part of a group of 12 delegates from the Soviet Union participating in a people to people exchange to promote better understanding and friendship between our two nations.

Re: Citizens Forum.

The Mayor opened this portion of the meeting to those citizens wishing to address the Mayor and Council.

1. Fred Klaus, on behalf of Safeway Stores, thanked the Mayor and Council for their cooperation in introducing the Map and Text Amendment to accomodate the redevelopment of the Twinbrook Safeway store. The present store is expected to open

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in early 1990. During the interim, the store will be closed for 10-11 months.

Re: Confirmation of Appointments.

Mayor Duncan made the following appointments with the concurrence of the Council:

HUMAN RIGHTS COMMISSION	Michael Taff -- Member Robert Dorsey -- Chairman
PUBLIC EDUCATION ADVISORY COMMISSION	Larry Culleen -- Member
SISTER CITY CORPORATION	Frederick Beckner -- Member
RECREATION & PARKS ADVISORY BOARD	Paula Strain -- Member Scott Moore -- Member
ALTERNATIVE COMMUNITY SERVICES COMMISSION	Jane French -- Member Joan Guberman -- Member Ronnie Edelman -- Alternate

Re: Approval of Minutes.

On motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Minutes of Meeting No. 26-88 (5/31/88) were approved.

On motion of Councilmember Hovsepien, duly seconded, the Minutes of Meeting No. 28-88 (6/13/88) were approved by a majority vote. Mayor Duncan abstained.

On motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Minutes of Meeting No. 29-88 (6/27/88) were approved

Re: Approval of the second year of a three year contract (Bid #3-88) for sweeping City streets from low bidder Browning-Ferris, Inc. for \$61,993.31.

Last year a three year contract was approved for sweeping City streets by low bidder Browning-Ferris for \$61,993.31 for the first year -- with procedures for price adjustment if requested by the successful low bidder. The contractor has not requested a price adjustment for the second year.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Bid #3-88 for sweeping City streets for a cost of \$61,933.31 was awarded to low bidder Browning-Ferris, Inc.

Re: Award of Bid #40-89 for Sidewalks

and Paving at various locations to Concrete Development Corp. Rockville, MD for their low bid of \$94,035.

Sidewalks will be constructed on West Ritchie Parkway at Paulsboro, West Ritchie Parkway from Fallsmead to Falls Road, Lewis Avenue from Matthews Drive to 640 feet south, Chapman Avenue from Twinbrook Parkway to Bouic Avenue, Nelson Street at Woodley Gardens Park, North Washington from Dawson to North Street, Hungerford Drive from Beall to North Washington Street, and South Stonestreet Avenue at Baltimore Road.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Bid #40-89 for sidewalks and paving for the low bid of \$94,035.00 was awarded to the Concrete Development Corp.

Re: Approval of a waiver for on-site water management at 100 and 104 South Washington Street and acceptance of contribution of \$1,700 for the City's off-site SWM fund.

Property owners propose to expand the existing office building and provide additional parking on adjacent lots located on the southeast corner of South Washington Street and Jefferson Street.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, a waiver for on-site water management at 100 and 104 South Washington Street and acceptance of contribution of \$1,700 for the City's off-site SWM fund was approved by Mayor and Council.

Re: Adoption of Resolution to establish a fee of One Thousand Dollars (\$1,000.00) to accompany each application for a Flood Plain Variance.

Resolution No. 21-88

This action will increase the Flood Plain Variance application fee from \$100 (established in 1977) to \$1,000 to more accurately cover current costs of staff

administrative and engineering review.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 21-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to establish a fee of One Thousand Dollars (\$1,000.00) to accompany each application for a Flood Plain Variance, was adopted by the Mayor and Council.

Re: Approval of Request for Proposal
for Comprehensive Banking
Services.

This action will authorize the solicitation of proposals for banking services which will allow the City to take advantage of investment opportunities, minimize administrative time, and utilize automated technology for processing payments.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, request for proposal for comprehensive banking services was approved by Mayor and Council.

Re: Introduction of Ordinance to
revise and amend Ordinance No. 17-
88 appropriating funds and levying
taxes for FY 89.

Each fall, the Appropriations Ordinance is amended to reflect encumbrances of funds from the prior fiscal year. Also included are funds for approved projects which could not be carried out due to circumstances beyond the control of the requesting department.

Upon motion by Councilmember Hovsepian, there was introduced upon the table an ordinance to appropriate funds and levying taxes for FY 89. Said ordinance to lay over for at least one week before final action is taken.

Re: Introduction of Ordinance to grant
Zoning Map Amendment Application
M-51-88, Alvin J. Steinberg,
Applicant.

This map amendment application amends the zoning on a portion of the property located at 1329 Rockville Pike (Tyson Wheeler Funeral Home), an area of 28,659 square feet of land from the present R-E Residential Estate Zone to the C-2, General Commercial Zone.

Upon motion of Councilmember Hovsepian, there was introduced upon the table an ordinance to grant Zoning Map Amendment M-51-88. Said ordinance to lay over for at least one week before final action is taken.

Re: Introduction of Ordinance to grant Text Amendment Application T-89-88, Mayor and Council of Rockville, Applicant.

This text amendment amends Chapter 6, Section 1-103 of the "Laws of Rockville" to modify the definition of "accessory use" so as to limit the size of a detached structure used as an accessory to ten percent of the minimum lot area for the zone in which the lot is located.

Upon motion of Councilmember Hovsepian, there was introduced upon the table an ordinance to grant Text Amendment Application T-89-88. Said ordinance to lay over for at least one week before final action is taken.

Re: Introduction of Ordinance to grant Street Closing and Abandonment Application SCA-54-88, Edward M. Crough and Sue B. Crough, Applicants.

The granting of this application will abandon a 15 foot alley right-of-way located between 409 North Stonestreet Avenue and 411 N. Stonestreet Avenue.

Upon motion of Councilmember Hovsepian, there was introduced upon the table an ordinance to grant Street Closing and Abandonment Application SCA-54-88. Said ordinance to lay over for at least one week before final action is taken.

Re: Adoption of Resolution to establish a permit parking district in land located on the section of a dead end street known both as Atlantic Avenue and Vandergrift Avenue and for administrative reasons have

said district incorporated into the Twinbrook parking district.

Resolution No. 22-88

This resolution creates a permit parking district to cover the dead end street where Atlantic Avenue meets Vandergrift Avenue in order to protect the cul-de-sac from use by commuters and for administrative purposes incorporates said district into the Twinbrook parking district established by Resolution No. 37-84.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Resolution No. 22-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to establish a permit parking district in land located on the section of a dead end street known both as Atlantic Avenue and Vandergrift Avenue and for administrative reasons have said district incorporated into the Twinbrook parking district was adopted by the Mayor and Council.

Re: Adoption of Ordinance to repeal and re-enact with amendments Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions" so as to eliminate various provisions of said chapter regulating smoking in public places, except for those provisions regulating smoking in eating and drinking establishments, in order to avoid duplication of, or conflict with smoking regulations established by City administrative regulations and Section 24-9 of the Montgomery County Code; to make certain technical amendments to the remaining provisions; and to amend and add certain definitions.

Ordinance No. 34-88

The purpose of this ordinance is to repeal various provisions of City law regulating smoking in certain public places that could duplicate or conflict with more stringent Montgomery County smoking regulations that will be applicable within the City. The City law, however, will retain provisions regulating smoking in eating and drinking establishments, when provisions are more stringent than similar

Montgomery County regulations. The effective date of the ordinance will be 12/1/88.

Councilmember Abrams pointed out that regarding smoking in eating facilities, the more stringent City provisions would remain in effect. For example: the City law applies to establishments which seat 25 persons whereas the county law applies to those seating 50 or more.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 34-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, to eliminate various provisions of said chapter regulating smoking in public places, except for those provisions regulating smoking in eating and drinking establishments, in order to avoid duplication of, or conflict with smoking regulations established by City administrative regulations and Section 24-9 of the Montgomery County Code; to make certain technical amendments to the remaining provisions; and to amend and add certain definitions was adopted by the Mayor and Council.

Re: Discussion and Instructions to staff, Text Amendment Application T-85-87 to establish a separate parking requirement for supermarkets.

The purpose of this amendment helps accommodate redevelopment of the Twinbrook Safeway store and will apply to any retail grocery store containing at least 30,000 square feet of gross leasable area.

Staff was directed to assemble the requisite documentation and prepare an ordinance for introduction to Mayor and Council.

Re: Discussion and Instructions to staff, Map Amendment Application M-50-87 to rezone a 50 foot wide strip of land along the western edge of the Twinbrook Shopping Center from R-60 to C-2.

The purpose of this amendment is to help accommodate redevelopment of the Twinbrook Safeway store.

Upon motion of Councilmember Hovsepian, duly seconded, the Council voted 3

to 1, with Councilmember Robbins casting a nay vote, to reclassify a 50 foot wide strip of land along the western edge of the Twinbrook Shopping Center from R-60 to C-2. Councilmember Robbins explained his vote stating that he supported the staff recommendation that only 1/2 of the 50 foot strip be rezoned to the C-2 zone.

Staff was instructed to prepare the appropriate materials for adoption.

Re: Discussion and Instructions to staff, proposed Sectional Map Amendment Application to help implement proposed Rockville Pike Corridor Neighborhood Plan, to authorize filing, establish a date for public hearing and to forward to Planning Commission for review and comment.

This draft zoning Map Amendment has been prepared by the staff following instructions of the Mayor and Council in coordination with the proposed Rockville Pike Plan. This is a sectional map amendment covering all land in the Rockville Pike Corridor Neighborhood. This map amendment will place certain parcels into the proposed new Rockville Pike Corridor Zones and proposed new overlay districts that will be used to coordinate development with the Rockville Pike Plan.

The staff was instructed to file a Map Amendment Application on behalf of the Mayor and Council, to establish a public hearing date and to refer said Application to the Planning Commission for review and comment.

Re: Discussion and Instructions to staff, proposed Text Amendment Application to help implement proposed Rockville Pike Corridor Neighborhood Plan, to authorize filing, establish a date for public hearing and to forward to Planning Commission for review and comment.

This draft Zoning Ordinance text amendment has been prepared in coordination with the proposed Rockville Pike Plan. It consists of four sections: (1) a new Article containing many specific new provisions applicable in the Rockville Pike Corridor Area; (2) a new Development Standards Table for three new Rockville Pike

zoning classifications; (3) a new Tables of Uses for the three new zones; (4) a number of miscellaneous amendments to various existing sections of the Zoning Ordinances to include or complement to the new zones and regulations.

Staff was instructed to a Text Amendment Application on behalf of the Mayor and Council, establish a public hearing date, and refer said Application to the Planning Commission for review and comment.

Re: Discussion and Instructions to staff, Proposed Pike Corridor Neighborhood Plan.

The Proposed Rockville Pike Plan is a comprehensive plan concerned with City form, function design and appearance. The plan covers 327 acres of land situated along the Pike corridor between the southern City boundary and the Town Center. Once adopted, the plan will become an amendment to the overall Master Plan for Rockville.

Staff was instructed to establish a public hearing date and to distribute proposed Plan to interestd individuals and agencies for review and comment.

Re: Discussion and instructions to staff regarding proposed resolution to establish \$40,000 per acre for quantity control and \$6,000 per acre for quality control for waivers of on-site Storm Water Management.

This increases the SWM contribution rate from \$20,000 per impervious cre created up to \$46,000 per impervious acre created to recover actual costs to the city. While the recommended waiver fee increase is substantial, the following factors must be considered: (1) it is an environmentally beneficial program to eliminate pollution, (2) the City must implement SWM requirements imposed by the State, (3) the increase is necessary if the City is to continue with a self-supporting SWM program (the fee simply reflects the City's actual cost), and (4) any developer of any property of any size has he option of providing an on-site system and avoiding the fee.

Staff was instructed to prepared Resolution for adoption.

Staff was instructed to prepared Resolution for adoption.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Adrienne Carr re: appreciation for Police Chief Stout's work in the Rockville Community.
2. City of Wheat Ridge Colorado to National League of Cities Members re: legislation to allow Mayors to designate zip codes for their cities.

Re: FYI

City Manager Bruce Romer updated the Mayor and Council on the following:

1. The selection process for the Police Chief continues, with a national advertisement to appear next week.
2. An irate, disruptive individual acted in an uncontrolled, abusive manner at City Hall. A minor amount of damage was done to City property. Rockville police responded and took the individual into custody.
3. Mr. Romer will be attending the National Conference of ICMA in North Carolina and will therefore be absent from City Hall on October 25 and 26.

Mayor Duncan observed that it was an honor for the City that City Manager Bruce Romer was selected by ICMA to be a member of their Futures Consortium to explore future directions and opportunities for both the city management profession and local governments.

4. Leftovers from the City picnic were put to good use: hot dogs and hamburgers were donated to the Stepping Stones Shelter.

5. A copy of the final draft copy of the Lincoln Park Access Study has been received from the State Highway Department. The City is considering this a CIP issue and will address it as part of the CIP process.

6. Rockville received a permit application to develop the former Firemen's Carnival Ground on Rockville Pike to be developed into a four-building office complex.

7. The Ritchie Park Elementary PTA expressed appreciation for the City's assistance at their recent Fall Fair.

8. Rockville has been assured by Montgomery County's Department of Transportation that the announcement by UMTA for financing a parking facility at North Stonestreet and Crabb Avenue was an error. Discussions have been initiated with staffs of both the County and Metro outlining the Mayor and Council's preference that the County direct its attention to "decking" the existing Metro parking lot.

9. Rockville has received the Rent Increase Report for the period July/August/September, 1988, averaging an increase of 5.2%.

10. The Mayor and Council will be issuing invitations for two informal events designed to help people get acquainted with the new City Manager.

11. The Maryland National Capital Park and Planning Commission has approved Rockville's leasing of a parcel of park land adjacent to the Red Gate Golf Course which will enhance and accelerate play on the course.

12. The County's Sensitivity Awareness Symposium Day will be held on 11/17/88.

13. The County Executive has invited staff members to attend one of the County's Annual Citizen Budget Forums.

14. Limited bus service is available to the Detention Center during "off peak" hours and staff is currently working with the County's Transit Services to coordinate the service with visiting hours.

15. Rockville has a funding plan so that the new entryway project at the Lincoln Park Community Center can proceed. The Mayor asked for a description and cost of the proposed Lincoln Park Center entryway.

16. Mr. Romer submitted a report from the City's Traffic Engineer addressing the various issues which have been raised concerning the Falls Road and Ritchie Parkway and Seven Locks area. Councilmember Abrams requested that a traffic update regarding be put in the City newsletter.

17. Rockville recently had a meeting of the community to lay further groundwork for the formation of a community action team to combat drug and alcohol abuse in Lincoln Park/David Scull and East Rockville.

18. The Recreation and Parks Department will sponsor "Goblin Nights" during the Halloween season.

19. The Goals Task Force continues to move along in a very deliberate fashion.

20. Many citizens have called concerning the installation of the cable system. Regarding the Cable TV report, Councilmember Robbins noted that some community groups feel they do not receive adequate notice about the installation of the cable system and were shocked to see the large pedestals installed on their lawns.

Re: New Business

Councilmember Hovsepien commended the Planning staff for their excellent organization and presentation of information on the Rockville Pike.

Councilmember Robbins noted that there are wooden steps on Ritchie Park new Lakewood Elementary that need to be removed.

Mayor Duncan reported that the lights were out on North Washington Street on Saturday and Sunday.

In addition, the mayor asked the staff to send a letter to the county regarding the Climax Forest and to the county expressing an interest in the old School Board site on Stonestreet for affordable housing.

Mayor Duncan suggested that the City host the Maryland Municipal League (MML) Fall Legislative Conference in 1990 and asked the staff to send a letter of interest to MML.

Re: Executive Session

At 8:40 p.m., Mayor Duncan closed the meeting to go into Executive session. The purpose of this scheduled Executive Session is to discuss matters relating to

property acquisition and disposal.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:55 p.m. to convene again on November 14, 1988 or at the call of the Mayor.